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UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CR. NO. 04-00053 DAE
)	
Plaintiff,)	ORDER GRANTING DEFENDANT'S
)	ORAL MOTION CONTINUING TRIAL
vs.)	
)	
SILVER JOSE GALINDO,)	
(a.k.a. DANIEL S. GALINDO))	
(a.k.a. TIMOTHY MAU))	OLD TRIAL DATE: 02/13/2007
)	NEW TRIAL DATE: 06/05/2007
Defendant.)	
_____)	

ORDER GRANTING DEFENDANT'S ORAL MOTION CONTINUING TRIAL

The matter of the defendant SILVER JOSE GALINDO's, a.k.a. DANIEL S. GALINDO and TIMOTHY MAU, oral motion to continue the trial was heard on January 31, 2007 before the Honorable Magistrate Judge Barry M. Kurren. The defendant was present with his appointed counsel Jack Schweigert, and AUSA Darren W.K. Ching was present on behalf of the United States.

The Court heard the representations of counsels, and heard no objection from the defendant. Accordingly, the Court grants the defendant's request to continue the trial. This additional time will allow for newly appointed counsel for the defendant time to prepare so as to effectively represent the defendant and promoting the defendant's right to a fair trial.

IT IS HEREBY ORDERED that the defendant's oral motion to continue trial is GRANTED.

IT IS FURTHER ORDERED that the jury trial presently scheduled for February 13, 2007, at 9:00 a.m., be continued to June 5, 2007, at 9:00 a.m., before District Court Judge David A. Ezra. The final pretrial conference will be held May 7, 2006 at 10:00 a.m. before Magistrate Court Judge Barry M. Kurren. Defense motions are due on February 21, 2007, and the Government's responses are due on March 7, 2007.

IT IS FURTHER ORDERED that the parties confer with Judge David A. Ezra's Court regarding the possibility of advancing the trial.

IT IS FURTHER ORDERED that the time period beginning and including February 13, 2007, to and including June 5, 2007, be excluded from the computations required by the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) on the grounds that the ends of justice served by granting this continuance outweigh the best interest of the public and the defendant in a speedy trial. The

Court bases this finding on the fact that the defendant's newly appointed counsel needs time to adequately prepare for trial and that failure to grant the continuance would unreasonably deny the defendant continuity of counsel and would further deny the defendant the reasonable time necessary for effective preparation, taking into account due diligence.

IT IS SO ORDERED:



/s/ Barry M. Kurren
United States Magistrate Judge
Dated: February 7, 2007

APPROVED AS TO FORM:

/s/ Jack Schweigert
JACK SCHWEIGERT, Esq.
Attorney for Defendant
SILVER JOSE GALINDO

United States v. SILVER JOSE GALINDO
Cr. No. 04-00053 DAE
"Order Granting Defendant's
Oral Motion to Continue Trial"